

**EXHIBIT**

**“A”**

508  
Office of Disability ServicesLucy Stone Hall, Suite A145  
Rutgers, The State University of New Jersey  
54 Joyce Kilmer Avenue  
Piscataway, NJ 08854ods.rutgers.edu  
ods@echo.rutgers.edu  
p. 848-445-6800  
f. 732-445-3388

## LETTER OF ACCOMMODATION(S)

Wednesday, September 11, 2019

RE: 195008011  
Bob White  
INTRO TO ENGINEERING  
440:100

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

- Extended time (100%) for in class/online exams and quizzes
- No Scantrons for exams/quizzes
- Permission to use a laptop / tablet for notetaking
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course

I have informed this student about the importance of providing you this letter as soon as possible, as well as discussing with you in a timely manner how the above accommodations will be implemented.

If you have other ideas regarding how to create access for your course beyond what is listed, I would be happy to speak with you. Your input is a valuable part of the process.

For general information, please refer to the ODS Faculty Support page at:  
<https://ods.rutgers.edu/faculty/faculty-support>

In addition, I welcome any concerns or questions you may have about this matter.

Sincerely,

A handwritten signature in black ink that reads "Lorren Whitaker".

Lorren Whitaker  
Coordinator  
[Lorren.Whitaker@rutgers.edu](mailto:Lorren.Whitaker@rutgers.edu)  
848-445-4456



509

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## LETTER OF ACCOMMODATION(S)

Wednesday, September 11, 2019

RE: 195008011  
Bob White  
MULTIVARIABLE CALC  
640:251

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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## LETTER OF ACCOMMODATION(S)

Wednesday, September 11, 2019

RE: 195008011  
Bob White  
ANALYTICAL PHYSICS I  
750:123

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course
- Approved to have the ability to write directly on the exam unless it compromises the essential elements of the exam.

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**LETTER OF ACCOMMODATION(S)**

Tuesday, January 21, 2020

RE: 195008011  
Bob White  
ENG MECH-STATICS  
440:221

Dear Professor:

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## LETTER OF ACCOMMODATION(S)

Thursday, January 23, 2020

RE: 195008011  
Bob White  
ANALYTICAL PHYSICS I  
750:124

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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## LETTER OF ACCOMMODATION(S)

Thursday, January 30, 2020

RE: 195008011  
Bob White  
HONORS ENG MECH-STAT  
440:291

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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## LETTER OF ACCOMMODATION(S)

Tuesday, April 21, 2020

RE: 195008011  
Bob White  
ANALYTICAL PHYSICS I  
750:124

Dear Professor:

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## LETTER OF ACCOMMODATION(S)

Tuesday, September 8, 2020

195008011  
Bob White  
ENGINEERNG ECONOMICS  
540:343

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

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Coordinator  
Lorren.Whitaker@rutgers.edu

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**LETTER OF ACCOMMODATION(S)**

Tuesday, September 8, 2020

195008011  
Bob White  
DIFF EQS/ENGR&PHYS  
640:244

Dear Professor:

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**LETTER OF ACCOMMODATION(S)**

Tuesday, September 8, 2020

195008011  
 Bob White  
 MECH MATERIALS  
 650:291

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**LETTER OF ACCOMMODATION(S)**

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**LETTER OF ACCOMMODATION(S)**

Tuesday, September 8, 2020

195008011

Bob White

ANALYT PHYSICS II

750:227

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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## LETTER OF ACCOMMODATION(S)

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Bob White  
ANALYT PHYSICS II  
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**LETTER OF ACCOMMODATION(S)**

Tuesday, January 26, 2021

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Bob White  
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**LETTER OF ACCOMMODATION(S)**

Tuesday, January 26, 2021

195008011  
Bob White  
ADV CALC FOR ENGRNG  
640:421

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during exams without time penalty
- Extended time (100%) for in class/online timed exams and quizzes
- No Scantrons for exams/quizzes
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course

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If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

In addition, I welcome any concerns or questions you may have about this matter.

Sincerely,

A handwritten signature in black ink that reads "Lorren Whitaker".

Lorren Whitaker  
Coordinator  
Lorren.Whitaker@rutgers.edu

525  
**Office of Disability Services**

Lucy Stone Hall, Suite A145  
Rutgers, The State University of New Jersey  
54 Joyce Kilmer Avenue  
Piscataway, NJ 08854

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dsoffice@echo.rutgers.edu  
p. 848-202-3111  
f. 732-445-3388

**LETTER OF ACCOMMODATION(S)**

Tuesday, January 26, 2021

195008011  
Bob White  
THERMODYNAMICS  
650:351

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

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Lorren Whitaker  
Coordinator  
[Lorren.Whitaker@rutgers.edu](mailto:Lorren.Whitaker@rutgers.edu)



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## LETTER OF ACCOMMODATION(S)

Tuesday, January 26, 2021

195008011  
 Bob White  
 Aerospace Materials  
 650:449

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Sincerely,

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Lorren Whitaker  
 Coordinator  
 Lorren.Whitaker@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Tuesday, January 26, 2021

195008011  
 Bob White  
 CAD IN MECH ENGG  
 650:388

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Lorren Whitaker  
 Coordinator  
 Lorren.Whitaker@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Monday, February 15, 2021

195008011  
Bob White  
INTRO TO ENTREPEN  
382:302

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Lorren Whitaker  
Coordinator  
Lorren.Whitaker@rutgers.edu



## LETTER OF ACCOMMODATION(S)

Monday, February 15, 2021

195008011  
Bob White  
ADV CALC FOR ENGRNG  
640:421

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Lorren Whitaker  
Coordinator  
[Lorren.Whitaker@rutgers.edu](mailto:Lorren.Whitaker@rutgers.edu)



## LETTER OF ACCOMMODATION(S)

Monday, February 15, 2021

195008011  
 Bob White  
 ENG MECH-DYNAMICS  
 440:222

Dear Professor:

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Sincerely,

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Lorren Whitaker  
 Coordinator  
 Lorren.Whitaker@rutgers.edu



531

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f. 732-445-3388

**LETTER OF ACCOMMODATION(S)**

Wednesday, September 14, 2022

195008011  
Bob White  
DESIGN MECH COMPNTS  
650:342:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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In addition, I welcome any concerns or questions you may have.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu



532

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**LETTER OF ACCOMMODATION(S)**

Wednesday, September 14, 2022

195008011

Bob White

INTRO MECHATRONICS

650:361:04

Dear Professor:

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Brian Maher  
Coordinator

[maher.brian@rutgers.edu](mailto:maher.brian@rutgers.edu)



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## LETTER OF ACCOMMODATION(S)

Wednesday, September 21, 2022

195008011  
 Bob White  
 MECH ENG MES W/LAB  
 650:350:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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- No Scantrons for exams/quizzes
- Permission to use a laptop / tablet for notetaking
- Reduced distraction testing location
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course
- Approved to have the ability to write directly on the exam unless it compromises the essential elements of the exam.
- 
- Consideration for extensions on assignments, up to 24 hours, within the academic standards of the course.

I have informed this student about the importance of discussing with you, in a timely manner, how the above accommodations will be implemented.

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maher.brian@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Wednesday, October 5, 2022

195008011  
 Bob White  
 DESIGN MECH COMPNTS  
 650:342:01

Dear Professor:

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maher.brian@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Wednesday, October 5, 2022

195008011  
 Bob White  
 INTRO MECHATRONICS  
 650:361:04

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**LETTER OF ACCOMMODATION(S)**

Friday, October 14, 2022

195008011  
Bob White  
DESIGN MECH COMPNTS  
650:342:01

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Bob White  
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maher.brian@rutgers.edu



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**LETTER OF ACCOMMODATION(S)**

Friday, October 14, 2022

195008011  
Bob White  
INTRO MECHATRONICS  
650:361:04

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**LETTER OF ACCOMMODATION(S)**

Monday, November 14, 2022

195008011  
Bob White  
INTR MUS THRY ONLINE  
700:133:92

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

In addition, I welcome any concerns or questions you may have.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu



547  
**Office of Disability Services**  
 Lucy Stone Hall, Suite A145  
 Rutgers, The State University of New Jersey  
 54 Joyce Kilmer Avenue  
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 p. 848-202-3111  
 f. 732-445-3388

## LETTER OF ACCOMMODATION(S)

Monday, January 23, 2023

195008011  
 Bob White  
 MECH ENG MES W/LAB  
 650:350:04

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

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maher.brian@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Monday, January 23, 2023

195008011  
 Bob White  
 FLUID MECHANICS  
 650:312:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

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Brian Maher  
Coordinator  
maher.brian@rutgers.edu



551

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**LETTER OF ACCOMMODATION(S)**

Monday, January 23, 2023

195008011  
Bob White  
AEROSPACE STRUCTURES  
650:458:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Coordinator  
maher.brian@rutgers.edu



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## LETTER OF ACCOMMODATION(S)

Monday, January 23, 2023

195008011  
 Bob White  
 DYN SYS & CNTL  
 650:401:01

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## LETTER OF ACCOMMODATION(S)

Monday, January 23, 2023

195008011  
 Bob White  
 AIRCRAFT FLIGHT DYN  
 650:471:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu

557  
**Office of Disability Services**

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**LETTER OF ACCOMMODATION(S)**

Monday, July 3, 2023

195008011  
 Bob White  
 FLUID MECHANICS  
 650:312:E6

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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## LETTER OF ACCOMMODATION(S)

Monday, July 3, 2023

195008011  
 Bob White  
 DRONES FUNDAMENTALS  
 650:560:E1

Dear Professor:

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Office of Disability Services**

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**LETTER OF ACCOMMODATION(S)**

Monday, July 3, 2023

195008011  
Bob White  
THERMODYNAMICS  
650:351:H6

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**LETTER OF ACCOMMODATION(S)**

Saturday, September 9, 2023

195008011  
Bob White  
INTRO LINEAR ALGEBRA  
640:250:C1

Dear Professor:

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 f. 732-445-3388

## LETTER OF ACCOMMODATION(S)

Saturday, September 9, 2023

195008011  
 Bob White  
 MULTIPHYSICS SIMU  
 650:439:01

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## LETTER OF ACCOMMODATION(S)

Saturday, September 9, 2023

195008011  
 Bob White  
 SPACECRAFT/MIS DE  
 650:457:01

Dear Professor:

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## LETTER OF ACCOMMODATION(S)

Tuesday, September 12, 2023

195008011  
 Bob White  
 FLUID MECHANICS  
 650:312:01

Dear Professor:

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Brian Maher  
Coordinator  
maher.brian@rutgers.edu

**571  
Office of Disability Services**

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**LETTER OF ACCOMMODATION(S)**

Wednesday, January 17, 2024

195008011  
Bob White  
NUMERICAL ANALYSIS I  
640:373:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

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maher.brian@rutgers.edu



573

**Office of Disability Services**

Lucy Stone Hall, Suite A145

Rutgers, The State University of New Jersey

54 Joyce Kilmer Avenue

Piscataway, NJ 08854

ods.rutgers.edu

dsoffice@echo.rutgers.edu

p. 848-202-3111

f. 732-445-3388

**LETTER OF ACCOMMODATION(S)**

Wednesday, January 17, 2024

195008011

Bob White

FLUID MECHANICS

650:312:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during timed exams/quizzes. An extension of 10 minutes per hour of testing time should be added to total exam/quiz time to account for breaks.
- Extended time (100%) for in class/online timed exams and quizzes
- Extension on Assignments, up to 48 hours, within the academic standards of the course
- No Scantrons for exams/quizzes
- Permission to use a laptop / tablet for notetaking
- Reduced distraction testing location
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course
- Approved to have the ability to write directly on the exam unless it compromises the essential elements of the exam

I have informed this student about the importance of discussing with you, in a timely manner, how the above accommodations will be implemented.

In the current hybrid environment, accommodations may be implemented a bit differently. For up to date information on how to implement online accommodations, including exam accommodations, please refer to the [ODS Faculty Support](#) page.

While faculty are responsible for entering exam accommodations such as extended time into the course learning management system (Canvas, Sakai, Blackboard), the Office of Disability Services stands ready to support you. Please do not hesitate to reach out to us with any questions regarding how to implement accommodations in an online environment.

If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

In addition, I welcome any concerns or questions you may have.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu



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Office of Disability Services  
Lucy Stone Hall, Suite A145  
Rutgers, The State University of New Jersey  
54 Joyce Kilmer Avenue  
Piscataway, NJ 08854

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dsoffice@echo.rutgers.edu  
p. 848-202-3111  
f. 732-445-3388

## LETTER OF ACCOMMODATION(S)

Wednesday, January 17, 2024

195008011  
Bob White  
AEROSPACE STRUCTURES  
650:458:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during timed exams/quizzes. An extension of 10 minutes per hour of testing time should be added to total exam/quiz time to account for breaks.
- Extended time (100%) for in class/online timed exams and quizzes
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While faculty are responsible for entering exam accommodations such as extended time into the course learning management system (Canvas, Sakai, Blackboard), the Office of Disability Services stands ready to support you. Please do not hesitate to reach out to us with any questions regarding how to implement accommodations in an online environment.

If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

In addition, I welcome any concerns or questions you may have.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu



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Office of Disability Services  
Lucy Stone Hall, Suite A145  
Rutgers, The State University of New Jersey  
54 Joyce Kilmer Avenue  
Piscataway, NJ 08854

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dsoffice@echo.rutgers.edu  
p. 848-202-3111  
f. 732-445-3388

## LETTER OF ACCOMMODATION(S)

Wednesday, January 17, 2024

195008011  
Bob White  
AIRCRAFT FLIGHT DYN  
650:471:01

Dear Professor:

The Office of Disability Services has reviewed this student's request, self-report and supporting documentation to establish their eligibility for reasonable accommodations in accordance with relevant federal laws.

The following accommodations are reasonable in order to provide equal access and participation in your class:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during timed exams/quizzes. An extension of 10 minutes per hour of testing time should be added to total exam/quiz time to account for breaks.
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While faculty are responsible for entering exam accommodations such as extended time into the course learning management system (Canvas, Sakai, Blackboard), the Office of Disability Services stands ready to support you. Please do not hesitate to reach out to us with any questions regarding how to implement accommodations in an online environment.

If you have other ideas regarding how to create access for your course, particularly in the remote learning environment, I would be happy to speak with you. Your input is greatly appreciated.

In addition, I welcome any concerns or questions you may have.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu

**LETTER OF ACCOMMODATION(S)**

Friday, November 18, 2022

195008011

Bob White

Hello,

This letter is to confirm that, while enrolled at Rutgers University, Bob White was approved for the following accommodations:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during timed exams/quizzes. An extension of 10 minutes per hour of testing time should be added to total exam/quiz time to account for breaks.
- Extended time (100%) for in class/online timed exams and quizzes
- Extension on Assignments, up to 48 hours, within the academic standards of the course
- No Scantrons for exams/quizzes
- Permission to use a laptop / tablet for notetaking
- Reduced distraction testing location
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course
- Approved to have the ability to write directly on the exam unless it compromises the essential elements of the exam

This letter is meant as general notice, and should not be used to receive accommodations in classes offered at Rutgers University.

Please do not hesitate to reach out to us if you have any questions.

Sincerely,

Brian Maher  
Coordinator  
maher.brian@rutgers.edu

**LETTER OF ACCOMMODATION(S)**

Friday, September 16, 2022

195008011

Bob White

Hello,

This letter is to confirm that, while enrolled at Rutgers University, Bob White was approved for the following accommodations:

- Access to snacks/food/drinks during labs, class and exams
- Breaks during timed exams/quizzes. An extension of 10 minutes per hour of testing time should be added to total exam/quiz time to account for breaks.
- Extended time (100%) for in class/online timed exams and quizzes
- No Scantrons for exams/quizzes
- Permission to use a laptop / tablet for notetaking
- Reduced distraction testing location
- Use of a computer for exams/ quizzes, unless it compromises an essential function of the course

This letter is meant as general notice, and should not be used to receive accommodations in classes offered at Rutgers University.

Please do not hesitate to reach out to us if you have any questions.

Sincerely,

Brian Maher  
Coordinator  
[maher.brian@rutgers.edu](mailto:maher.brian@rutgers.edu)

## **EXHIBIT**

### **“B.”**

**From:** Heidi Nicklaus [heidinic@echo.rutgers.edu](mailto:heidinic@echo.rutgers.edu)   
**Subject:** RE: Shoulder Injury (affects writing and typing)  
**Date:** February 17, 2021 at 4:59 PM  
**To:** Bob White [rdw99@scarletmail.rutgers.edu](mailto:rdw99@scarletmail.rutgers.edu)

---

Hello,  
Letters went out to your professors this afternoon.  
Best....

**Heidi Nicklaus**  
**Coordinator with Dean of Students Office**

Pronouns: She, Her, Hers  
88 College Avenue  
New Brunswick, NJ 08901  
[heidinic@echo.rutgers.edu](mailto:heidinic@echo.rutgers.edu)  
[deanofstudents@echo.rutgers.edu](mailto:deanofstudents@echo.rutgers.edu)



---

**From:** Heidi Nicklaus  
**Sent:** Wednesday, February 17, 2021 10:54 AM  
**To:** 'ROBERT WHITE' <[rdw99@scarletmail.rutgers.edu](mailto:rdw99@scarletmail.rutgers.edu)>  
**Subject:** RE: Shoulder Injury (affects writing and typing)

Hello,  
Thank you for confirming what you need. It looks like we don't need to speak on the phone. I'll write a letter to professors for (Advanced Calc for Engineers, Intro to entrepreneurship, and Thermodynamics) and request extensions on the assignments during those two weeks. Please note that professors have the final decision on this request.

I will let you know once the letters have gone out.  
Best...

**Heidi Nicklaus**  
**Coordinator with Dean of Students Office**

Pronouns: She, Her, Hers  
88 College Avenue  
New Brunswick, NJ 08901  
[heidinic@echo.rutgers.edu](mailto:heidinic@echo.rutgers.edu)  
[deanofstudents@echo.rutgers.edu](mailto:deanofstudents@echo.rutgers.edu)



---

**From:** ROBERT WHITE <[rdw99@scarletmail.rutgers.edu](mailto:rdw99@scarletmail.rutgers.edu)>  
**Sent:** Tuesday, February 16, 2021 7:21 PM  
**To:** Heidi Nicklaus <[heidinic@echo.rutgers.edu](mailto:heidinic@echo.rutgers.edu)>  
**Subject:** Re: Shoulder Injury (affects writing and typing)

Tomorrow would be good or tonight after 8pm. However, I know I greatly over complicated

## **EXHIBIT**

**“C.”**

The Wayback Machine - <https://web.archive.org/web/20230306023143/https://soe.rutgers.edu/oas...>



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# Grade Appeals

**University policy on grade appeals:** Students wishing to file a complaint about a course grade, or a grade received for a particular piece of work in a course, should first attempt to resolve the matter through discussion with the instructor. If the issue cannot be satisfactorily resolved between student and instructor, the student may specify in writing the basis for the complaint and request a review by the departmental chairperson. A written complaint about a grade for work completed while the course is in progress must be submitted to the departmental chairperson no later than two weeks after notification of the grade. A student must submit a written complaint about a final course grade to the Department Chair no later than four weeks after the end of the exam period for that term. A student who wishes to appeal the decision of the department should appeal in writing to the office of the dean of the faculty at the school offering the course. Written notification of the action taken by either the chairperson or by the dean will be sent to the student within four weeks of the filing of the appeal, excluding those weeks in which classes are not in regular session.

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## School of Engineering Grade Appeal Process

The following shall be the official policy of the academic units of the School, unless an academic unit submits an alternative procedure to the School for approval. This policy shall apply to all grade appeals at the undergraduate level.

1. Individual faculty members have primary authority and responsibility in all aspects of evaluating student course performance and assigning grades, and are charged with carrying out these responsibilities in a professional manner. The Dean's office has the authority and responsibility to deal with changes of grades in special and unusual cases such as those that might involve unprofessional faculty conduct in assigning the grade. Students should be aware, however, that neither Chairs nor Deans can require an instructor to change a properly assigned course grade. Issues of disagreement about whether, for example, a given assignment was worth a B or an A are decided solely by the individual instructor in charge.
2. When a student believes that a course grade has been improperly assigned, and discussions between the instructor and the student have not led to a resolution, the student has the option of making a formal appeal in writing guided by the **Grade Appeal Form** to the **Department Chair or the Undergraduate Director** for the instructor's unit. The form must provide the basis for your appeal. Any relevant emails or documentation should be included with the appeal.
3. In cases where the Department Chair is the involved instructor, the Department Undergraduate Director will perform the duties as

Faculty/Staff  
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Directory by  
Department

called for in this policy. In cases where the Department Chair and the Undergraduate Director are both the involved instructors, the Chair will notify the Associate Dean for Academic Programs, who will appoint a senior faculty member in the same unit to perform the duties as called for in this policy.

4. The Department Chair or the designee will meet (together or separately) with the student and with the instructor of the course. The Chair will represent the department and recommend to the instructor a decision by the department. In cases where the instructor or student does not agree with the recommendation, the Chair shall forward the written materials associated with the appeal, together with the recommendation by the department to the SoE Associate Dean for Academic Programs, Prof. Wade Trappe, who will conduct the decanal review and make the final decision on the student's grade appeal at the School of Engineering.

Students who contact the dean's office before following the procedure of working with the instructor and then the department will be referred back to the instructor or department, where the most informed resolution of such matters is typically available.

Administrative  
Offices  
**Richard Weeks**  
**Hall of**  
**Engineering**  
500  
Bartholomew  
Road  
Piscataway, NJ  
08854

Academic Services  
**Engineering Building**  
98 Brett Road  
Piscataway, NJ 08854  
Student Info: (848) 445-2212; Fax: (732) 445-4092

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with the  
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Engineering**

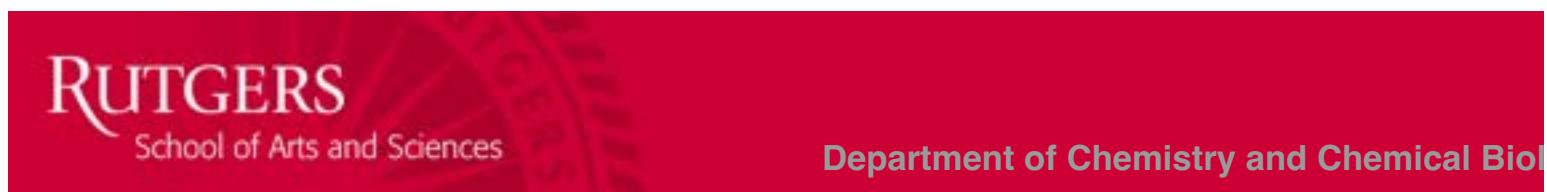


## **EXHIBIT**

**“D.”**

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## Grade Appeals

Students wishing to file a complaint about a course grade, or a grade received for a particular piece of work in a course, should first attempt to resolve the matter through discussion with the instructor. If the issue cannot be satisfactorily resolved between student and instructor, the student may specify in writing via the [Grade Appeal Form](#) the basis for the complaint and request a review by the program's chair. A written complaint about a grade for work completed while the course is in progress must be submitted to the program's chair no later than two weeks after notification of the grade. A student must submit a written complaint about a final course grade to the program's chair no later than four weeks after the end of the exam period for that semester.

A student who wishes to appeal the decision of the department should appeal in writing to the office of the dean of the faculty offering the course. Written notification of the action taken by either the chair or by the dean will be sent to the student within four weeks of the filing of the appeal, excluding those weeks in which classes are not in regular session.

All appeals, at the department and the decanal level, should contain the following information:

- The course number and section, semester, and instructor's name
- An explanation of the grounds for the appeal
- A copy of the course syllabus and any other course information on the assignment or grading in question
- The materials at issue – the graded exam or assignment
- Any and all email or other written exchange you have had with the instructor and/or department about the issue

If a student in an SAS course has followed the grade appeal procedure through the steps of discussion with the instructor and with the department or program, and still wishes to appeal to the office of the Dean of the Faculty, the student should be directed to address that written appeal to Susan Lawrence, Vice Dean for Undergraduate Education or Carolyn Moehling, Senior Associate Dean for Undergraduate Education, SAS Deans Office, 35 College Ave, CAC.

Email is also fine, [slawrence@sas.rutgers.edu](mailto:slawrence@sas.rutgers.edu) or [cmoehling@sas.rutgers.edu](mailto:cmoehling@sas.rutgers.edu). Students who contact the Dean's office before following the procedure of contacting the instructor and then the department will be referred back to the instructor or department, where the most informed resolution of such matters is typically available.

## Non-Discrimination Policy

Student claims that the assignment of the grade was, in part or in full, attributable to discrimination, should write directly to Susan Lawrence, Vice Dean for Undergraduate Education, who will provide the student with a copy of the nondiscrimination policy. The Vice Dean will refer the student to the Office of Employment Equity and will should the Office of Employment Equity directly about the complaint. Alternately, the student may write directly to the Office of Employment Equity <http://uhr.rutgers.edu/uhr-units-offices/office-employment-equity>.

Additional information on the policies and procedures enforced by the Office of Employment Equity is available at <http://uhr.rutgers.edu/uhr-units-offices/office-employment-equity>. You also may contact Lisa Grosskreutz, Director of the Office of Employment Equity, at [lisa.grosskreutz@rutgers.edu](mailto:lisa.grosskreutz@rutgers.edu).

## Contacts

Undergraduate Vice Chair

**Ralf Warmuth**

Undergraduate Coordinator

**Ola Elshorafa**

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## **EXHIBIT**

**“E.”**



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## Student Grade Appeals



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Students wishing to file an appeal of a course grade, or a grade received for a particular piece of work in a course, should first attempt to resolve the matter through discussion with the instructor. If the issue cannot be satisfactorily resolved between student and instructor, the student may specify in writing the basis for the appeal and request a review by the departmental chair. A written appeal about a grade for work completed while the course is in progress must be submitted to the departmental chair no later than two weeks after notification of the grade. A student must submit a written appeal about a final course grade to the departmental chair no later than four weeks after the end of the exam period for that semester.

A student who wishes to protest the decision of the department should appeal in writing to the office of the dean of the faculty offering the course. Written notification of the action taken by either the chair or by the dean will be sent to the student within four weeks of the filing of the appeal, excluding those weeks in which classes are not in regular session.

Student assertions or complaints that a grade or other academic decision was the result of discrimination, harassment, or retaliation are not reviewed as part of a school's grade appeal process, even if asserted at a later stage during a pending grade appeal. The Office of Employment Equity (OEE) is responsible for enforcing the university's policies prohibiting discrimination, harassment, and retaliation (including [Policies 60.1.12 and 60.1.28](#)), which extend to adverse academic decisions, such as the issuance of a negative grade in an assignment or course. If the assertion is made after the grade appeal process has begun, action on the grade appeal will be suspended until the OEE completes its investigation concerning the discrimination allegation. Student allegations that the assignment of the grade was, in part or in full, attributable to discrimination, should write directly to the [Office of Employment Equity](#).

Additional information on the policies and procedures enforced by the Office of Employment Equity is available at <http://uhr.rutgers.edu/uhr-units-offices/office-employment-equity>.

[Student Grade Appeals](#)[Cumulative Grade-Point Average](#)[Transcripts](#)[Holds](#)[Attendance](#)[Cancellation of Classes](#)[Rutgers, The State University of New Jersey, Academic Integrity Policy](#)[University Code of Student Conduct Summary](#)[Peer-to-Peer File Sharing](#)[University Safety and Security](#)[Office for Violence Prevention and Victim Assistance](#)[Disability Services](#)[Administrative Procedures for Responding to Disruptions](#)[Policy Prohibiting Discrimination and Harassment](#)[Title IX Policy and Grievance Procedures](#)[Drug-Free Schools and Campuses Act](#)[Equity in Athletics Disclosure Act Reports](#)[Graduation Rates](#)[Teacher Preparation Program Pass Rates](#)[Student Records and Privacy Rights under FERPA](#)[Student Residency for Tuition Purposes](#)[Research Policies](#)[Patent Policy](#)[Divisions of the University](#)

For additional information, contact RU-info at 732/932-info (4636) or [colonelhenry.rutgers.edu](mailto:colonelhenry.rutgers.edu).  
Comments and corrections to: [Campus Information Services](#).

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## **EXHIBIT**

### **“F.”**



## UNIVERSITY ETHICS AND COMPLIANCE INVESTIGATIVE PROCESS

Once an allegation or complaint is determined to fall to University Ethics and Compliance for review, UEC shall initiate the investigative process. The process includes three steps: Initial Analysis, Investigation, and Reporting the Findings as summarized below. Additional information can be found following the process in sections noted as Definitions, Investigative Groups, and Authority.

### I. INITIAL ANALYSIS

Upon receiving a complaint, UEC's Investigative Group Lead or designee shall review the allegation(s) within **3 business days** of receiving the complaint. The initial review and analysis will include a determination of the types of issues alleged, regulations and policies implicated, whether further investigation is warranted, referrals to other Investigative Groups or the Responsible Party for resolution, and any additional required notifications. Once the initial analysis is complete, the Investigative Group Lead or designee will assign the matter to an Investigator, refer the matter to another Investigate Group or Responsible Party, or determine that no further action is necessary and close the case. The Investigative Group Lead will ensure that any reported allegation(s) of the Requirements are entered into the UEC Incident Reporting System within **3 business days** of receipt of the complaint.

- 1. Assign matters** to an Investigator or Department Investigator **no later than one week** after receiving the initial report. Investigations shall commence as soon as possible following assignment, cases will be prioritized and pursued based on the Investigative Group Lead or Responsible Party's discretion.
- 2. Refer matters** no later than one week to the appropriate Investigative Group which administers relevant policies at the University or to the Responsible Party whose school or department is identified in the complaint as appropriate. The Investigative Group or Responsible Party shall review the referred matter and advise the Investigative Group Lead at the **earliest possible time** if their unit will conduct an investigation.
- 3. Case closure** is warranted when insufficient evidence is received in the complaint and the Investigative Group Lead or designee or the Responsible Party has made a reasonable attempt to gather additional information relevant to the allegation, or when the allegations, even if accurate, would not constitute a violation of the Requirements.

Any party conducting an initial analysis or investigation should take immediate action if warranted to prevent injury or hazard to people or property or to avoid any continuing non-compliance.

### II. INVESTIGATION

Specific investigative steps and responsibilities may be dependent on the specific nature or circumstances of the allegation and may be conducted by UEC, a Departmental Investigator, or an external third-party investigator retained by the University for that purpose. It is paramount that matters are reviewed thoroughly, fairly, objectively, and timely to ensure the investigation's effectiveness. Upon being assigned a matter, Investigators should ensure that they conduct each of the following phases of the investigation: (1) Investigative Assessment & Planning, (2) Fact Finding Phase, (3) Evidence Analysis, and (4) Reporting the Findings.



## 1. Investigative Assessment & Planning

Upon assignment, an investigator shall conduct a preliminary inquiry into the allegations made and facts reported in the complaint to determine whether further investigation is warranted. In general, additional investigation is warranted if the allegation is supported by specific and sufficient information to conclude that if the allegation were true, a violation of the Requirements has occurred. During the preliminary inquiry, investigators should consider:

- What are the Requirements alleged to have been violated?
- Which school(s), unit(s), or department(s) are involved?
- Who are the Respondent(s) and who might be considered Investigative Participant(s)?
- What are the major questions that need to be answered to determine whether a violation of the Requirements has occurred?
- What immediate action(s) should take place to preserve relevant evidence?
- Are there collective bargaining process requirements that must be followed relative to the Respondent? May Weingarten rights be implicated during the interview process?
- What is the scope of the investigation as understood relative to the allegation and/or behavior giving rise to the investigation?
- Who will be interviewed?
- Is it likely that additional investigators or subject matter experts will be required?
- If the complainant is anonymous, what evidence can be collected to corroborate the allegations?
- What electronic, documentary, or witness evidence may exist to corroborate the allegations?
- Which University employee(s) need to know about the complaint, and who will make the appropriate notifications? If notifying a University employee may compromise aspects of the investigation, the investigator shall notify the next higher-level officer of the school/department.
- Do external State, federal, or other agencies need to be notified?
- What broader risks do the allegation(s) have on the University?
- What process and mechanism will be used to notify the complainant, respondent, and senior management of the investigation, as appropriate.

## 2. Fact Finding Phase

Conducting a comprehensive investigation requires judging the credibility of each Investigative Participant's testimony, gathering and methodically reviewing and interpreting physical or electronic evidence, and understanding subject area expert analysis. Investigators must ensure they see the entire picture of the investigation by gathering and assessing all the facts. Some best practices may include:

- Comprehending the unit or department culture
- Understanding the unit's reporting process and internal policies and procedures
- Considering the relevance of all documents, images, and devices
- Identifying all potential witnesses
- Identifying any potential experts who may be able to provide important context



- Creating a chronology of relevant events

Preservation of evidence is integral to the integrity of an investigation, and failure to preserve evidence immediately may hamper the investigation. Best practices for preserving original records include:

- Not marking or altering original physical/electronic records in any way
- Creating an inventory of records received, when and from whom they were obtained
- Notifying relevant University staff of documents which need to be preserved
- Ceasing automated data destruction and deletion processes
- Utilizing working copies of physical or electronic files to re-perform any analysis
- Utilizing a chain of custody form for any sequestered devices
- Storing sequestered documents and electronic devices in a secure location

One of the most critical aspects of any investigation is what the parties or other investigative participant say during an interview. Therefore, interview notes should be accurate and complete. In conducting interviews, the investigator should:

- Have a general list of Investigative Participants that need to be interviewed and the documents the interviewee will need to reference during the interview
- Be familiar with relevant documents, policies and procedures, or regulations relevant to the allegation
- Consider whether another investigator should be present as a witness
- If feasible, obtain background information on the individual being interviewed
- Know what verbal or physical information you need from the interviewee
- Not be afraid to ask the questions that need to be answered
- Be cognizant of the interviewee's demeanor
- Document any emotional reactions, specific language used, and other descriptive language relayed during the interview
- Probe key issues in multiple ways and don't accept vague answers to questions
- Schedule additional interviews if necessary

### **3. Evidence Analysis**

Investigators utilize various tools to analyze facts relevant to the reported allegations in order to provide management with a sufficient information to determine whether the evidence warrants additional management action. These tools or procedures include inquiring, confirming, observing, inspecting, and re-performing steps in a process to help ensure the investigator's assessment is reasonably accurate. To provide management with the information they need, investigators should:

- Ensure all relevant information has been reviewed, analyzed, and compared with other evidence, identifying any inconsistencies
- Ensure that any conflicts have been identified and reconciled or disclosed
- Consider the credibility and quality of the evidence, from whom it was obtained, and under what conditions
- Determine whether sufficient due-diligence was performed on the matter before drawing any conclusions



#### **4. Reporting the Findings**

The final report is the investigator's opportunity to accurately document factual issues, evidence gathered, analysis performed, authoritative policy, and conclusion(s) reached on the allegations. Senior management will utilize the final report to understand key facts that were uncovered during the investigation to determine whether the conduct warrants disciplinary action and to implement additional procedures that may be needed to mitigate future risks. The structure of the investigator's final report will depend on whether the allegations were unsubstantiated or substantiated.

- Unsubstantiated Matters**

The UEC investigator may document the reasons for the determination in a Memorandum to the File, rather than preparing a case report, when the investigative findings do not substantiate wrongdoing. It is at the discretion of the Investigative Group Lead to determine whether the assigned investigator should prepare a formal report to be shared with the Responsible Party, if the matter warrants.

- Substantiated Matters**

At the conclusion of the investigation, the investigator shall submit a final report to the Investigative Group Lead detailing the allegations reported, investigative findings, relevant regulations and/or policies, and the conclusion(s) reached. The Investigative Group Lead will provide a copy of the final report to the Responsible Party. Any additional related reports or communications drafted by the Responsible Party or their designee must also be forwarded to UEC.

The Investigative Group Lead will ensure that the Responsible Party's final report and/or management responses are reviewed and used to document the case outcome and mitigation steps taken in the Incident Management System. Responsible Party(s) who are issued a report which includes substantiated allegations will advise University Ethics and Compliance in writing within 30 business days of any actions taken to remediate the substantiated allegations.

### **III. TIMELY RESOLUTION**

UEC and relevant Responsible Parties will work to complete investigations and determinations as timely as possible. However, in no case should pressure to meet a particular deadline be allowed to influence the objectivity, impartiality, or thoroughness of the investigation.

### **IV. DEFINITIONS**

**Complainant/Complaining Party** – Any individual who files a complaint pursuant to policies, rules, laws, or university guidelines and expectations.

**Departmental Investigator** – Any individual designated by the University to conduct an internal investigation on behalf of a department, school, or unit.

**Incident Management System** – Complaint reporting system(s) utilized by UEC.



**Investigator** – Any individual conducting an internal investigation on behalf of the University through UEC.

**Investigative Groups** – Any Rutgers department listed in Section IV of these Guidelines which is conducting investigations throughout the University and who have responsibility pursuant to Section III for investigating allegations of a violation of the Requirements (as defined).

**Investigative Group Lead** – Any Rutgers employee whose job description includes overseeing UEC investigative activities.

**Investigative Participant** – individual other than the respondent(s) or investigator(s) who plays a role either directly or indirectly in an investigation (e.g., complainant, witness, or subject matter expert).

**Non-retaliation statement** – A statement advising the Responding Party of Rutgers' prohibition on taking adverse action against any Investigative Participant who in good faith reports wrongful conduct or participates in an investigation.

**Respondent/Responding Party** – Any individual who has had a complaint filed against them.

**Responsible Party** – Dean, Unit Leader, or Vice President or other designated University employee who has authority over a particular school or department and who is responsible for reviewing allegations and implementing disciplinary and/or corrective action plans.

**Requirements** – Federal and State laws and regulations, University Code of Ethics, University-wide and departmental policies and procedures, industry-specific professional standards, or other requirements or clear expectations of conduct for which a violation will form the basis for an independent and objective investigation by UEC.

**University Review** – An investigation undertaken by UEC for which a formal complaint has not been filed by an individual related to a potential violation of federal or State law, University or school/department policy, or the University's Code of Ethics. Generally, a University Review is initiated at the request of a member of the University's senior leadership in response to specific concerns or questions.

**University Personnel** – Any University employees, student employees, interns, or volunteers.

## V. SELECT INVESTIGATIVE GROUPS AT RUTGERS

**Audit and Advisory Services** investigates complaints of misuse/misappropriation of University resources.

**Office of Employment Equity** investigates complaints alleging violations by University employees or other third parties of the following University's Policies:

- Policy 60.1.12 Policy Prohibiting Discrimination and Harassment,
- Policy 60.1.13 Workplace Violence Policy,
- Policy 60.1.16 Conscientious Employee Protection Policy,
- Policy 60.1.33 Title IX Policy and Grievance Procedures.



**Title IX Coordinators** investigate alleged violations which implicate Title IX of the Education Amendments, University Policy 60.1.33 Title IX Policy and Grievance Procedures, and parts of Policy 10.2.11 Code of Student Conduct.

**Division of Intercollegiate Athletics: Office of Athletic Compliance** investigates allegations of violations of NCAA, Big Ten, and University rules regarding intercollegiate athletics at Rutgers University-New Brunswick.

**University Ethics and Compliance** investigates allegations of suspected violations of University policies, as well as federal and state laws and regulations, including, but not limited to, allegations of conflicts of interest, misuse/misappropriation of University resources, fraud, falsification/destruction of records, disclosure of personal data, clinical coding concerns, employee misconduct, and retaliation.

## **VI. AUTHORITY**

The University and the Board of Governors has established University Ethics and Compliance as one of the University's Investigative Groups with authority to conduct internal investigations into allegations of violations of University policies, rules or requirements, and/or certain violations of State and federal ethics laws and regulations. Depending on the needs of a specific investigation, employees from UEC may assist other Investigative Groups in conducting an investigation and UEC may ask members of other Investigative Groups to assist in UEC investigations. In circumstances in which alleged behavior falls fully within a unit's operational or management responsibility, UEC may refer the matter to a Responsible Party (i.e., unit leadership) to conduct a departmental investigation. The University, after evaluating initial allegations and facts related to an allegation or matter referred to UEC, may also recommend that the University engage an external investigator in some circumstances.

University Ethics and Compliance may, at its discretion, refer alleged violations of the New Jersey Conflicts of Interest Law to the State Ethics Commission pursuant to *N.J.S.A 52:13D-12 et seq.*

University Ethics and Compliance will follow the investigative processes established by another Investigative Group when asked to assist that Group with certain matters, such as:

- Complaints investigated on behalf of the Title IX Coordinators or the Office of Employment Equity under University Policy 60.1.33: Title IX Policy and Grievance Procedures.
- Complaints investigated under other University policies administered by the Office of Employment Equity.
- Complaints reported or referred to Rutgers University Police Department (RUPD).
- Matters in which the Office of General Counsel retains outside counsel to conduct an investigation independently or in consultation with an Investigative Group.

In any particular investigation, the unique facts and circumstances of a particular investigation may require modifications to the process. For example, the need to preserve evidence under Policy



100.4.1 Preservation of and Access to University Data and Property, Policy 70.1.1 Acceptable Use Policy for Information Technology Resources, and other University policies or the need to protect the privacy or safety of individuals involved in accordance with University policies and State or federal regulations may affect the application of specific elements of these guidelines. These modifications to the investigative approach will be documented by the UEC investigator. These adjustments to the investigative framework shall not create rights in any third party, including respondents of investigations.

In addition, UEC and other Investigative Groups may be asked by members of the University's Senior Leadership Team, Chancellors, and/or Deans to conduct inquiries into other matters of interest. In those circumstances, UEC's work shall be limited to gathering and summarizing relevant facts and providing context related to the specific matter in question.

## **VII. RIGHTS AND OBLIGATIONS OF RESPONDENTS AND OTHER PARTICIPANTS**

- All parties are entitled to an impartial, objective, and thorough investigation.
- All parties are entitled to the highest standards of confidentiality subject to the requirements and expectations of relevant law and policy. All parties will be granted reasonable assistance of an interpreter or other accommodation as needed.
- A Complaining Party has the right to be free from retaliation for filing a good faith Complaint.
- A Complaining or Responding Party or an Investigative Participant who is a member of a collective bargaining unit, may have a support person present to observe during interviews.
- A Responding Party will be provided with written notice advising them that they are the subject of an investigation. The notice will be provided at the earliest possible time and include sufficient information to advise the Responding Party of the allegations without compromising the investigation. No personal identifying information of the Complainant will be provided to the Responding Party. Under certain circumstances and for the legitimate needs of an investigation, a Responding Party may be provided details of the allegation(s) immediately prior to the initial interview.
- A Responding Party will receive verbal or written notice of any new allegations raised during the course of an investigation.
- A Responding Party will be provided the opportunity to explain their actions and to provide any information, documents, and names of other Investigative Participants that may be relevant to the investigation.
- For substantiated complaints, University Ethics and Compliance will issue a formal report to the Responsible Party clearly indicating the allegations which were substantiated. This report will restate the allegations, briefly describe the investigative process, summarize the analysis of relevant interviews, documents, witness statements, and other relevant sources of information, identify Requirements that were violated, and explain how the investigator reached the conclusion that a violation of the relevant policy or standard had occurred.



- University Ethics and Compliance will not release copies of reports to Respondents, Complainants, Investigative Participants, and/or other interested parties other than the Responsible Party. The Responsible Party may release copies of the report at their discretion and for legitimate University purposes.
- University Ethics and Compliance acts as a neutral fact finder which investigates and reports on allegations of violations of the Requirements. Final determination and disciplinary actions related to substantiated allegations are the responsibility of the Responsible Party and not University Ethics and Compliance.
- Upon the completion of an investigation, the Responsible Party and Respondent(s) will be advised in writing if the complaint was unsubstantiated.

Responding Parties or Investigative Participants shall not influence or intimidate, or attempt to influence or intimidate, the complainant or witnesses, or interfere with an investigation by tampering, destroying, withholding evidence or engaging in any other conduct which may affect an investigation. Responding Parties and Investigative Participants shall not discuss the investigation or their testimony with anyone other than investigators.

# **EXHIBIT**

## **“G.”**

## Grievance Process

### Grievance Process for Students with Disabilities

#### RUTGERS COMMITMENT AND POLICY STATEMENT

Rutgers is dedicated to the philosophy that all individuals with disabilities are assured equal opportunity, access and participation in the University's courses, programs, activities, services and facilities. We recognize that diverse abilities are a source of strength, empowerment, an enrichment for the entire university community and we are committed to the elimination of physical, instructional, and attitudinal barriers by promoting awareness and understanding throughout the university community. Rutgers University is committed to providing equal educational access for individuals with disabilities in accordance with applicable federal and state laws and in accordance with University's Policies including Policy 60.1.8: Equal Employment Opportunity and Affirmative Action Policy (<https://policies.rutgers.edu/sites/default/files/60.1.8%20current.pdf>); Policy 60.1.12: Policy Prohibiting Discrimination and Harassment (<https://policies.rutgers.edu/60112-currentpdf>); and Policy 70.1.5 World Wide Web Accessibility Policy (<https://policies.rutgers.edu/sites/default/files/00016108.PDF>).

At each Rutgers University campus (Camden, Newark, New Brunswick, and Rutgers Health (formerly RBHS)) there is an Office of Disability Services (ODS) (/ods-offices) that provides reasonable academic adjustments, accommodations and services for students with disabilities. For information about the contacts and offices of disability services for each Rutgers campus, please visit the [visit the ODS \(/ods-offices\)](https://policies.rutgers.edu/60112-currentpdf) web site for information on how to apply and obtain academic adjustments, accommodations and services.

#### APPLICABILITY

Rutgers University has adopted this grievance procedure for students with disabilities, enrolled at Rutgers University, as the means to provide for prompt and equitable resolution of grievances alleging any action related to the following types of concerns or issues within a Rutgers course, program or activity:

1. Complaints that a student has been denied requested academic adjustments, accommodations, services or modifications related to Rutgers courses.
2. A student's allegation of the inaccessibility of a Rutgers course, program, service, activity, facility, parking, or transportation.
3. Complaints that an accommodation previously granted to a student has not been implemented.

These procedures do not apply to other types of complaints of alleged discrimination or harassment based on a student's disability, which are addressed by other University offices. If a student believes that they have been discriminated or harassed because of their disability by a Rutgers employee or third party, the student should contact the Office of Equal Opportunity (OEE) and should not utilize this grievance process. For further information on the process of contacting OEE, please visit the OEE web site (<http://ehr.rutgers.edu/policies-resources/policies-procedures/policy-and-compliance-guidelines/discrimination-and>). If a student believes that they have been discriminated against or harassed because of their disability by a Rutgers student, the student should contact the Office of Student Conduct on their campus. If a student is unsure which process applies to their particular situation, a student can follow the procedures in Section V and the appropriate University personnel will be assigned to their case and make contact with the student.

#### OVERVIEW OF THE GRIEVANCE PROCEDURES

Rutgers has adopted this grievance procedure for students with disabilities, enrolled at Rutgers, as the means to provide for prompt and equitable resolution of grievances for the reasons listed in Section II. Students also have the option of pursuing the University's Informal Resolution Process (/students/informal-resolution-grievance-process/informal-resolution). It is encouraged that a complainant reports an

incident immediately when it occurs or as soon as possible thereafter. Grievances should be submitted no later than sixty (60) days of the date the person filing the complaint becomes aware of the alleged action. Reports filed after 60 days will still be accepted. However, it may be more difficult for the University to investigate and provide a remedy or resolution to a complaint the longer time passes from the incident.

If a student opts to pursue the [Informal Resolution Process](#) (/students/informal-resolution-grievance-process/informal-resolution) they may later elect to pursue the University's Grievance Procedure, including after the informal resolution process has already been initiated or if not satisfied with the resolution of the informal resolution process. However, if the student accepts the proposed resolution as part of the Informal Resolution Process, the matter may not be reopened through the University's Grievance Procedure.

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by using the University's Informal Resolution Process or Grievance Procedures, they have the right to file a complaint directly with the [U.S. Department of Education, Office for Civil Rights \(OCR\)](#) (<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>), Enforcement Office, 32 Old Slip, 26th Floor, New York, NY 10005-2500 or the [New Jersey Office of the Attorney General, Division of Civil Rights](#) (<https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/division-on-civil-rights-file-a-complaint/>).

## WHO CAN FILE A GRIEVANCE

Any student with a disability enrolled at Rutgers University can utilize these Disability Grievance Procedures for the reasons mentioned in Section II.

Within these procedures, the student who files a grievance within these procedures will be referred to as the **Complainant** and the individual (s) who the student has filed the grievance about will be considered the **Respondent**.

## NOTE:

When the Complainant is someone other than the victim of the alleged conduct, the victim also will be deemed the Complainant for purposes of the rights and options available under these grievance procedures.

## HOW TO FILE A GRIEVANCE

The following information is required for any grievance to move forward regardless of the means filed:

1. The name, current mailing address, phone number (where you can be reached during normal business hours) and email address of the person initiating the grievance.
2. A full description of the alleged act(s) in sufficient enough detail to enable the individual investigating to understand what occurred, when it occurred, and the basis for the alleged complaint.
3. A summary of the steps the complainant has already taken in attempt to resolve the problem. This would include the names of persons involved; contact information of those involved (if available); and the departments or offices inside and outside of the University already contacted.
4. A statement of the requested resolution (What would the complainant like to see happen to resolve this matter).
5. Any supporting documentation, including any correspondence related to the matter.

### **The grievance process may be initiated through any of the following preferred means:**

- **Online:** Complete the Grievance Form for Students with Disabilities ([https://rutgers.ca1.qualtrics.com/jfe/form/SV\\_e2th70KnfitAKGx](https://rutgers.ca1.qualtrics.com/jfe/form/SV_e2th70KnfitAKGx)). This form provides a template for the information needed to move forward with the grievance.
- **Mail:** You may file by mail to the following address:

ADA/504 Coordinator  
1 Liberty Plaza, 335 George St. Suite 2107  
New Brunswick, NJ 08901

If you submit in this manner, please include the required information listed above in "How to File a Grievance."

- **Email:** You may email the completed Grievance Form for Students with Disabilities or your own signed letter to [ADA\\_Compliance@uec.rutgers.edu](mailto:ADA_Compliance@uec.rutgers.edu) ([mailto:radr@echo.rutgers.edu](mailto:mailto:radr@echo.rutgers.edu)).

If you submit in this manner, please include the required information listed above "How to File a Grievance."

Note: Other forms of filing will be considered upon request such as a face-to-face or other means of verbal communication. In order to do so, please contact the ADA/504 Compliance Officer by email: [ADA\\_Compliance@uec.rutgers.edu](mailto:ADA_Compliance@uec.rutgers.edu) ([mailto:radr@echo.rutgers.edu](mailto:mailto:radr@echo.rutgers.edu)) or phone: 732-235047 to request a non-written filing and an appointment.

## COMPLAINT PROCEDURES

### A. INITIAL ASSESSMENT

Upon receipt of the grievance, the University's ADA/504 Compliance Officer will assign the matter to the appropriate University personnel who will act as the investigator. As an initial matter, all grievances shall be reviewed by the investigator to determine whether they contain all required information as listed above. If further information is required to clarify the grievance before an investigation can begin, the complainant will be contacted. The complainant has 10 calendar days to respond to the request for additional information. Such time may be extended for a reasonable amount of time at the discretion of the investigator.

The investigator will dismiss a grievance without further investigation if it is determined that the grievance:

- is unclear or incomplete to the extent that there is insufficient information on which to commence an investigation, and the complainant did not provide the requested clarifying information within 10 calendar days of the request;
- does not fall under the jurisdiction of these procedures in which case, the complainant will be referred to the appropriate process or office and all necessary information will be forwarded as necessary;
- the allegations raised by the complaint have already been resolved by the University;

If the grievance is dismissed following the initial assessment, the complainant will be notified in writing within 10 calendar days of this determination.

### B. INVESTIGATIONS

If it is determined following the initial assessment that the grievance will move forward, an investigator will open the grievance investigation. Opening an investigation in no way implies that Rutgers has made a determination with regard to the merits of the complaint. The investigator will collect and analyze relevant evidence from the complainant, the respondent, and other sources as appropriate. During the investigation, the investigator is a neutral fact-finder. The investigation will be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. Investigations of grievances will be adequate, reliable and impartial and prompt. The investigations will include interviewing relevant witnesses and documentary evidence offered by both parties.

The investigator will advise the Complainant and the Respondent of the following:

- Both parties have a right to an impartial investigation;
- Both parties have a right to produce relevant documents, witnesses, and other materials that they would like included in the investigation;
- Both parties may have an advisor of their choice present to provide advice and support during the investigative process. The advisor may not intervene in the interview or address the investigator directly.
- Both parties are free to consult with or retain an attorney of their choice and may elect to designate their attorney as their advisor. However,

like all advisors, the attorney may not intervene or disrupt the proceedings.

At no time during the investigation would a person bringing forth a grievance be required to meet or address the respondent(s) directly. However if both parties agree to a meeting that will assist in resolving this matter, there may be instances where this would prove helpful to resolving the matter.

## C. CONCLUSIONS OF THE INVESTIGATION AND DETERMINATIONS

If the investigator determines by a preponderance of evidence that there is insufficient evidence to support a conclusion that a violation of University policy has occurred, the grievance is documented and closed. The investigator will prepare a written report of the conclusions of the investigation and provide this to both parties.

If the investigator determines by a preponderance of evidence that a violation of University policy has occurred, the investigator will prepare a written report that will include recommendations for steps to be taken to stop the behavior, prevent recurrence of the violation and for prevention of retaliation. The report will be provided to the University ADA/504 Compliance Officer who will share with the appropriate University Administrator with the authority to impose appropriate remedies, if necessary, in accordance with applicable policies and procedures. The University will impose remedies intended to correct the effects on the complainant or others and to prevent the recurrence of any prohibited acts.

The investigator's final determination will be in writing and will be provided to both complainant and respondent. In the case of the complainant the letter of determination will include information regarding the availability of appropriate on-going remedies, if any. Copies of the report with related files are maintained by the ADA/504 Officer.

## REQUESTS THAT NO ACTION BE TAKEN

If a complainant requests that neither informal nor formal processes be initiated, the investigator in consultation with the ADA/504 Officer will consider the request. The ADA/504 Officer or their designee will make the final determination as to whether to initiate a formal investigation. However, if the facts indicate that a University policy violation has occurred, the University may be obligated to investigate the situation further, even if the complainant asks that the matter be closed. The ADA/504 Officer will notify promptly the individual making the request not to initiate the complaint process whether the University will be able to honor this request or will investigate.

## CONFIDENTIALITY STATEMENT

The confidentiality of information disclosed during the course of investigations will be respected to the extent feasible and practical. However, the University has a duty to respond to allegations of discrimination (including sexual harassment) and therefore cannot guarantee absolute confidentiality once allegations are disclosed to University officials. The University will reveal information about grievances filed under these procedures and related investigations, as well as their outcomes, only to those who need to know the information in order to carry out their duties and responsibilities and/or individuals believed to have knowledge or information about the conduct alleged. Students with questions about who may receive such information should contact the ADA/504 Compliance Officer.

Parties with a need to know may include witnesses or University officials who need to be informed of the grievance in order to cooperate with an investigation or to implement resolution. These parties will be advised that they should keep the information confidential in the best interests of all parties.

## APPEALS

If the complainant or respondent disagrees with the determination given by the investigator, he/she may seek an appeal for reconsideration of the determination by the Executive Vice President for Academic Affairs at [evpaa@rutgers.edu](mailto:evpaa@rutgers.edu).

The three permissible grounds for appeal are:

- **Unsupported conclusion:** The determination reached by the investigator is not supported by the facts.

- Procedural Error:** The investigation was conducted unfairly and not in conformance with the procedures set forth in this Process. The error committed must be determined to have substantially impacted the fairness of the process.
- New Information:** There is new information available that was not at the time of the investigation and that is sufficient to alter the original decision.

Disagreement or general dissatisfaction with the determination is not, by itself, grounds for appeal.

The appealing student or respondent must submit the appeal in writing within 30 days after receiving the investigator's determination. The Executive Vice President for Academic Affairs or their designee shall review the appellant's letter, all pertinent records, and documentation, and may solicit written clarification on any issues raised on appeal from the investigator or the appellant. The Executive Vice President for Academic Affairs or their designee will not substitute his or her judgment for the decision of the original investigator. The Executive Vice President for Academic Affairs or designee will send a written decision to the parties, and if appropriate to the division administrator whose authority will be needed to carry out the decision, within thirty (30) days of the appealing party's request unless there are extenuating circumstances. If extenuating circumstances cause a delay, the Executive Vice President for Academic Affairs will notify the appellant in writing of the delay along with an anticipated time frame for review and issuance of the written decision. The decision of the Executive Vice President for Academic Affairs on the appeal is final.

## RETALIATION

It is a violation of Rutgers policy and Federal regulations to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. Coercion or intimidation of, threats toward, or interference with anyone because he or she exercised or enjoyed Section 504 and/or ADA rights, or helped or encouraged someone else to do so, is also prohibited.

The University prohibits retaliation against individuals who, in good faith, assert their rights to bring a grievance under these grievance procedures. Retaliation is an offense separate from the original complaint of discrimination, and will be considered independently from the merits of the underlying complaint. Complainants who believe they have been subjected to retaliation because they filed a grievance under the grievance procedures or requested a reasonable accommodation should report the conduct to the ADA/504 Compliance Officer or the Office of Employment Equity.

## RECORDS

The ADA/Section 504 Coordinator for each Rutgers location and the ADA-504 Compliance Officer shall maintain the files and records of all complaints for which he/she is responsible under this grievance procedure.

## Quick Links

 Registration	<a href="#">(/students/getting-registered)</a>	 Letter of Accommodation (LOA)	<a href="#">(/letter-accommodation)</a>	 Exam Accommodations	<a href="#">(/exam-accommodations)</a>	 Note Taking Accommodations	<a href="#">(/note-taking-accommodations)</a>
 Other Accommodations	<a href="#">(/aft-and-other-)</a>	 Remote Learning Information	<a href="#">(/remote-learning)</a>				

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Individuals with disabilities are encouraged to direct suggestions, comments, or complaints concerning any accessibility issues with Rutgers web sites to accessibility@rutgers.edu (mailto:accessibility@rutgers.edu) or complete the Report Accessibility Barrier or Provide Feedback Form (<https://accessibility.rutgers.edu/barrierform>).

To report technical issues with this website, contact the ITS Help Desk at 848-932-7248 (tel:848-932-7248) or [its@echo.rutgers.edu](mailto:its@echo.rutgers.edu) (mailto:its@echo.rutgers.edu)

## **EXHIBIT**

**“H.”**

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**RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY DISCRIMINATION,  
HARASSMENT, WORKPLACE VIOLENCE, AND RETALIATION COMPLAINT  
PROCESS: COMPLAINTS AGAINST UNIVERSITY EMPLOYEES AND THIRD PARTIES**

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## **I. INTRODUCTION**

This Complaint Process is to be followed when a complaint alleges conduct by University employees, including student employees, and/or third parties, in violation of the University's Policy Prohibiting Discrimination and Harassment, 60.1.12 (the "Discrimination Policy"); the Policy Prohibiting Workplace Violence, 60.1.13; ; or the Conscientious Employee Protection Policy, 60.1.16 (referred to collectively as "Covered Policies").<sup>1</sup> Information on the prohibited conduct and scope of the Covered Policies is set forth in the respective Policies.

The University has a separate complaint process to be followed when a complaint alleges conduct, in violation of the University's Title IX Policy and Grievance Procedures, Section 60.1.33 (the "Title IX Policy"). Information on the prohibited conduct, scope, and complaint process of the Title IX Policy is set forth in that Policy.

This Complaint Process identifies individuals responsible for receiving, reporting, and handling complaints that fall under the Discrimination Policy, Policy Prohibiting Workplace Violence, and Conscientious Employee Protection Policy and the steps to be followed regarding such complaints.<sup>22</sup>

## **II. REPORTING A COMPLAINT: RESPONSIBILITY FOR RECEIVING AND REPORTING COMPLAINTS**

Any member of the University community who believes that he or she has been subject to conduct that violates the Discrimination Policy, Workplace Violence Policy, or Conscientious Employee Protection Policy is encouraged to initiate a report with the individual responsible for receiving, reporting and handling his or her specific complaint. Information on how to report conduct prohibited by the Covered Policies is set forth in the respective Policies. Individuals with questions about how to report prohibited conduct should contact the Office of Employment Equity.<sup>3</sup>

A complaint against a student arising out of his or her conduct as a student should be reported to the Office of Student Conduct.<sup>4</sup> A complaint alleging that a student has committed sexual assault, sexual harassment,

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<sup>1</sup> See Policy 60.1.12, the Policy Prohibiting Discrimination and Harassment; Policy 60.1.13, the Policy Prohibiting Workplace Violence; and Policy 60.1.16, the Conscientious Employee Protection Policy.

<sup>2</sup> In cases involving an allegation of conduct prohibited by the Covered Policies against a member of the Rutgers University Police Department ("RUPD"), the RUPD may investigate the matter concurrently through its Internal Affairs process, with written notice to the Office of Employment Equity of the complaint and its disposition.

<sup>3</sup> The Director of the Office of Employment Equity ("Director") supervises the operation of the Discrimination Policy (Policy 60.1.12), the Workplace Violence Policy (Policy 60.1.13), and the Conscientious Employee Protection Policy (Policy 60.1.16), as well as this Complaint Process, and Title IX Policy and Grievance Procedures as it pertains to complaints against employees and third parties.

The Director and the Office of Employment Equity staff also are a resource for all members of the University community with regard to questions involving harassment and discrimination and will arrange education and training regarding the Covered Policies, the Complaint Process, and the Title IX Policy. The Office may be contacted at 848-932-3973 or at [employmentequity@hr.rutgers.edu](mailto:employmentequity@hr.rutgers.edu).

<sup>4</sup> Such complaints are addressed by Policy 10.2.11, Code of Student Conduct, as well as the Title IX Policy. The Office of Student Conduct may be reached at 732-932-9414, or [conduct@rci.rutgers.edu](mailto:conduct@rci.rutgers.edu).

sexual exploitation, stalking, relationship violence, or other form of sexual misconduct, may also be submitted to the Title IX Coordinator, Office of Student Affairs.<sup>5</sup>

### **III. PROCESS THROUGH THE OFFICE OF EMPLOYMENT EQUITY**

Because conduct implicating the Covered Polices may involve a wide range of behaviors, the way in which a given case is best handled may vary and there are a number of options available to those who believe that they have been subjected to such conduct. An individual may contact the Office of Employment Equity to discuss options available to him or her. These options will depend on a number of factors, including the Policy implicated, the seriousness of the offense, the amount of evidence presented, the degree of confidentiality sought, and the outcome desired by the individual. The Director, or his or her designee, will provide guidance and assistance to an individual interested in alternative options to a formal complaint and investigation process.

A complainant may also discuss with the Director any interim measures that he or she feels are necessary during the pendency of OEE's resolution process (as set forth below).

Depending upon the circumstances, a complainant may select an informal or formal resolution process, as described below. An informal resolution process ("informal resolution") focuses on stopping the discriminatory, harassing, or other behavior without a formal investigation. A formal resolution process ("formal resolution") involves an investigation. Depending on the circumstances, both informal and formal resolution processes may be utilized. The Director may exercise discretion to determine that informal resolution is not appropriate in a particular case.

#### **A. CONFLICTS OF INTEREST OR BIAS**

If a Party believes that any individual involved in the investigation process (such as the investigator) has a conflict of interest or bias, they may make a request to the Director that the individual not participate. Any request must include a description of the conflict or bias. If the Director determines that a conflict of interest or bias may exist, the University will take steps to address the conflict or bias in order to ensure an impartial process. A Party who believes that the Director has a conflict of interest or bias may make a request to University Ethics and Compliance that the Director not participate.

#### **B. INFORMAL RESOLUTION**

The Director, or his or her designee, will provide guidance to a party interested in informal resolution. There are various methods available to attempt informal resolution, and the method or methods chosen should be tailored to the particular circumstances. Methods may include but are not limited to: advising the department on alternative ways to resolve the issue outside the investigation process, or by mediating a resolution between the parties, or by aiding the department to modify the circumstances in which the conduct at issue occurred. The utilization of the informal resolution process is not a precondition for initiating the formal resolution process.

#### **C. FORMAL RESOLUTION**

##### **i. Reports vs. Complaints**

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<sup>5</sup> A Title IX Coordinator can be reached on each campus:  
New Brunswick: 848-932-2406; Newark: 973-353-5541; Camden: 856-225-6422; RBHS: 973-972-0777.

Any member of the University may report conduct that may be prohibited by the Covered Policies to the Office of Employment Equity, and the University strongly encourages any individual who is aware of such conduct to do so. Upon receipt of a report, the Director (or designee) will notify the Complainant of the availability of interim measures (with or without filing a formal Complaint) and the option of filing a formal Complaint to initiate an investigation, as well as any other steps deemed necessary and/or appropriate by the Director.

As discussed below, a signed, written Complaint must be submitted by a Complainant to initiate an investigation under the Covered Policies, except where the Director exercises discretion to initiate a University Action and investigate reported allegations in the absence of a formal complaint.

In cases where an incident is reported to the Office of Employment Equity by someone other than the alleged victim (such as a supervisor, faculty member, resident advisor, colleague or friend), the Director (or designee) will promptly notify the alleged victim that a report has been received. The Director (designee) will make every effort to meet with the alleged victim to discuss available options and resources. The alleged victim will have the option to file a formal Complaint with the Office of Employment Equity but is not required to do so.

## **ii. Initiation of Complaint**

The formal complaint process is initiated by submitting a signed, written complaint to the Office of Employment Equity.<sup>6</sup> The Complainant's signature on the written Complaint indicates the Complainant's desire to have the Formal Complaint investigated under the applicable Policy or Policies. In all cases, University personnel will reveal information about the identities of the Parties, including the identity of the Complainant, only to those who need to know in order to carry out their duties and responsibilities and/or as necessary to comply with the relevant Policy or applicable law. This may include the investigators assigned to the case, potential witnesses, the Respondent, and University administrators involved in the disciplinary process or implementation of supportive measures.

Upon receipt and review of a complaint, the Director may request additional information from the complainant if it is unclear whether the complainant's allegations raise an issue of a violation of a Covered Policy. If additional information is received and the Director determines that the allegations do not raise an issue of violation of a Covered Policy, the Director will so advise the complainant in writing and close the case. The complainant may appeal the Director's decision to close the case to the Associate Vice President for Labor Relations.

If the Director requests additional information from a complainant, and the complainant does not submit additional information, the Director may cease processing the complaint and will inform the complainant in writing that the case has been closed, and that he or she may resubmit the written complaint with the supplemental information at a later date if he or she wishes to proceed with a complaint at that time.

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<sup>6</sup> The individual initiating the complaint (the "complainant") is encouraged to use the Office of Employment Equity Complaint Form that may be obtained from the University Human Resources website: <https://discover-ehr.rutgers.edu/docs/oeee-complaint-form>. The complaint is to be submitted to the Office of Employment Equity. Complaints may be submitted via email at [employmentequity@hr.rutgers.edu](mailto:employmentequity@hr.rutgers.edu), or by mail to 57 US Highway 1, ASB II – Cook Campus, New Brunswick, New Jersey 08901. The fax number is 732-932-0049. The Complaint Form may also be submitted online through the OneSource Faculty and Staff Service Center, at <https://discover-ehr.rutgers.edu/onesource/home>.

If the Director accepts the complaint (as originally submitted or with the additional requested information), he or she will notify the complainant that the case has been assigned for investigation and simultaneously send a copy of the complaint to the respondent<sup>7</sup> and the chancellor, dean, or vice president of the respondent's department, as applicable.<sup>8</sup>

This notice will specify the Policy or Policies that are alleged to have been violated, and the specific factual allegations that are the subject of the investigation. The Office of Employment Equity may investigate possible violations of the Discrimination Policy, Workplace Violence Policy, or Conscientious Employee Protection Policy, regardless of whether the specific policy is identified in the complaint.

If at any point the Director determines that some or all of the allegations in the complaint fall within the scope of the Title IX Policy, the investigation of such allegations will proceed under the Title IX Policy and the Parties will be so notified.

### **iii. Investigation and Findings**

The Director will instruct an Investigations Specialist in the Office of Employment Equity, or other designee, to investigate the complaint. The investigator will work as expeditiously as possible to conduct a full and fair investigation. Upon completion of the investigation, the investigator will provide a report in writing to the Director, setting forth the steps taken in the investigation and the investigator's findings. Rutgers uses the preponderance of the evidence standard for investigations under the Covered Policies. This means that the investigator evaluates the evidence to determine whether it is more likely than not that a violation of the Policy occurred.

The Director will review the report of the investigator. If the Director finds that the investigation is incomplete or otherwise unacceptable, the Director may request further investigation by the investigator, or may assign a new investigator to the complaint.

Once the investigation is complete, the Director will make a determination as to whether the respondent violated a Covered Policy (or Covered Policies) using the preponderance of the evidence standard. At this time, the Director shall forward a copy of the investigation report,<sup>9</sup> along with the Director's letter of determination, to the parties and the chancellor, dean, or vice president involved, as applicable.

### **iv. Appeal of the Decision – Discrimination Policy**

In cases arising under the Discrimination Policy both parties are afforded one appeal of the Director's determination as to whether or not a violation of the Policy occurred, which must be

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<sup>7</sup> The "respondent" is the individual whose conduct is the subject of the complaint.

<sup>8</sup> The Office of Employment Equity may determine that it is necessary to provide a redacted version of the complaint if the Director determines that providing the respondent with a copy of the unredacted complaint would create a risk of harm to the complainant. In addition, personal contact information (such as home addresses, phone numbers, personal email addresses) will be redacted from the complaint prior to providing a copy to the respondent. The Director may exercise discretion to redact other information in the complaint that is not relevant to the allegations under investigation (such as social security numbers, dates of birth, or unrelated medical information).

<sup>9</sup> The Office of Employment Equity may determine that it is necessary to provide a redacted version of the report if the Director determines that providing the respondent with a copy of the unredacted report would create a risk of harm to the complainant. The Director also has the discretion to redact the names of witnesses in order to maintain confidentiality.

directed to the Associate Vice President for Labor Relations (“Associate Vice President”).<sup>10</sup> The parties are given ten (10) working days from the date of the decision letter to submit an appeal in writing. Failure to submit an appeal to the Associate Vice President by the appropriate deadline will render the decision final and conclude the process. The parties can appeal only once and on the following grounds:

1. Unsupported Conclusion: The decision made by the Director is not supported by the facts of the case.
2. Procedural Error: The investigation was not conducted in conformity with prescribed procedures. The error committed must be determined to have substantially impacted the fairness of the investigation process.
3. New Information: There is new information available that was not available when the investigation was pending that is sufficient to alter the original decision.

The Associate Vice President will review all information and make one of the following determinations:

- a. Affirm the finding.
- b. Overturn the finding.
- c. Remand the case for subsequent investigation.

The Associate Vice President shall notify the parties, the Director of the Office of Employment Equity, and the chancellor, dean, or vice president involved of his or her decision in writing.

#### **v. Corrective and/or Disciplinary Action**

If the Director reaches a determination that the respondent violated a Covered Policy, and either no appeal is available, the respondent has opted not to appeal, or the Director’s determination has been affirmed on appeal, the chancellor, dean, or vice president (or applicable designee) will determine the appropriate corrective action. Disciplinary action, up to and including termination, may be taken against an employee who is found to have violated a Covered Policies.

Corrective and disciplinary actions will be determined on a case-by-case basis. Prior violations of the applicable Policy as well as prior disciplinary action may be considered in determining the appropriate corrective and disciplinary action for a respondent who is found to have violated a Covered Policy. The Director of the Office of Employment Equity will be available to consult with the chancellor, dean, or vice president regarding possible corrective and disciplinary actions, but does not make the final decision on the action to be imposed. Similarly, the Office of Labor Relations and the Office of Academic Labor Relations will be available to consult with the chancellor, dean, or vice president regarding the respondent’s previous discipline, the appropriate level of corrective action, and discipline generally.

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<sup>10</sup> The Director’s decision as to whether or not a violation of the Workplace Violence Policy or the Conscientious Employee Protection Policy occurred is not appealable.

Possible corrective and disciplinary actions include, but are not limited to:

- Participation in education sessions on discrimination or harassment;
- A written reprimand or written warning;
- Reassignment of teaching or other responsibilities;
- Suspension without pay; or
- Termination

The chancellor, dean, or vice president shall notify the complainant of any corrective or disciplinary action against the respondent that involves or concerns the complainant, for example, any directive that the respondent is prohibited from initiating contact with the complainant. The chancellor, dean, or vice president shall also notify the respondent of the appropriate corrective action that will be taken, inclusive of any disciplinary action, including termination. Notice of any corrective action taken will be sent in writing by the chancellor, dean, or vice president to the Director of the Office of Employment Equity at the same time the respondent and complainant are notified. In addition, a determination that a Covered Policy was violated, including corrective and disciplinary actions taken in response, will be documented in an employee's personnel file.

The University may take any other appropriate corrective action to prevent recurring conduct and to correct its effects on the complainant and others. The Director may make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action.

#### **D. INDEPENDENT UNIVERSITY ACTION**

The University reserves the right to investigate allegations of conduct prohibited by the Covered Policies in appropriate circumstances, at the discretion of the Director, even in the absence of a formal written complaint filed by a complainant pursuant to the Complaint Process. In such cases, the University will follow the Complaint Process set forth in Section III.C above, but the University will serve as the complainant.

#### **E. CONFIDENTIALITY**

The OEE respects the confidentiality of all parties and limits disclosure of complaints to only those who have a need to know the facts and the parties to a complaint. Reporting and disclosure requirements required by law may present limitations to such confidentiality. Nonetheless, the university will treat all parties with equal care, respect, and dignity and will make every effort to preserve the privacy of all parties involved.

In some instances, a complainant may choose to take no action (including filing a formal complaint) or to defer action until a later date in order to maintain anonymity. In these instances, the University reserves the right to determine whether it is necessary to initiate a University Action and investigate the reported conduct in order to protect the University community. The Director of the Office of Employment Equity will consider various factors in this assessment, such as the availability of independent evidence of the allegations, the nature of the allegations and/or whether there have been similar complaints about the same Respondent. If the Director initiates a University Action, the Director will notify the Complainant, but the Complainant will not be required to participate in the process.

OEE expects that all parties, witnesses and support persons involved in an investigation to maintain the confidentiality of the process to the extent necessary to preserve the integrity of the investigation. Any manager, supervisor or other employee who violates this expectation may be subject to

appropriate sanctions. Please contact the Office of Employment Equity with any questions regarding confidentiality.

## **F. RETALIATION**

The University prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint under the Covered Policies, participate in an investigation, or protest alleged discrimination, harassment, or retaliation. No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under the Covered Policies.

Retaliation is an offense separate from the original complaint of discrimination, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the Office of Employment Equity.

## **G. FALSE STATEMENTS**

Knowingly making a material misstatement of fact may subject the party to discipline. Anyone who believes that he or she has been the subject of an intentionally false complaint may meet with the Director of the Office of Employment Equity to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

## **H. RECORDKEEPING AND RECORDS DISCLOSURE**

Notice of all verbal and written reports of discrimination, harassment, workplace violence, and/or retaliation must be forwarded to the Director or Employment Equity by the administrator, supervisor, or faculty member receiving the complaint.

In addition, a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which may also constitute prohibited conduct under the Covered Policies. Many employees (including some who may be otherwise considered “confidential”) are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes. These notifications minimally include the classification and location of the reported crime but do not always identify the parties involved. The Clery Act also requires the University to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat. Such reports do not contain information identifying individual parties. The University publishes an annual comprehensive security report known as “Safety Matters.”

## **I. SUPPORT PERSONS**

The complainant and the respondent are permitted to have one support person present for any meetings they attend with investigators at the Office of Employment Equity to discuss a pending complaint filed by or against them, as applicable. A support person may include a union representative, a friend, a family member, or an attorney. However, support persons are not permitted to participate in the investigation process. They may sit in on meetings with the investigator, but they are not permitted to comment and/or ask questions during those meetings.

Support persons who are also witnesses to the alleged conduct and intend to participate in the investigation as a witness may not act as a support person unless an exception is granted by the Director of Office of Employment Equity.

Support person availability shall not be sufficient grounds for postponing meetings.

A party may utilize the services of a translator in order to communicate effectively with the investigator. Unless an exception is granted by the Director of the Office of Employment Equity, a translator may not also act as the Party's support person. Where a translator is needed, the Party may still be accompanied by a support person of his or her choice.